

Appl. No. 10/722,284
Amdt. Dated November 22, 2005
Reply to Office Action of September 22, 2005

Docket No. CE11781JSW
Customer No.. 24,273

REMARKS/ARGUMENT

Claims 1, 5-7, 11-12, 16, and 20 were rejected under 35 USC 103(a) as being obvious over Lampe (5,568,511) in view of Childress et al. (4,658,435) and in further view of Spayth (4,013,958).

Applicant has amended independent claims 1, 7, 11, and 20 to clarify the order in which method elements are performed according to the invention. Generally, according to the claimed invention, the push to talk indicator indicates the user may not speak before the connection is initiated, or, as a non-initiating party in a group call, before receipt of a message indicating establishment of a group call.

Regarding claim 1, the rejection points to Childress at column 12, lines 19-23 as showing Applicant's claimed first indicating. As claimed, the first indicating indicates the user may not provide audio because there is no connection established. However, according to Childress at the section cited by the rejection, Childress does not indicate that the user may not provide audio until after the connection procedure is initiated by pressing the PTT button. Pressing the PTT button causes the radio to "originate a call." Subsequently Childress recites that "[d]uring the [call set up] procedure, an indicator lamp is illuminated..." Thus, Childress does not teach or show Applicant's claim limitation of indicating that the user may not provide audio prior to initiating a call set up procedure.

Spayth describes the use of a 'audible visual' indicator, but as in Childress, the audible visual indicator isn't employed prior to initiating a connection setup procedure. Thus the combination of Lampe, Childress, and Spayth fails to teach, show, or suggest Applicant's claim 1.

Regarding claims 7, 11, and 20, the first indicating likewise shows the user that the user may not provide audio while there is no connection is established, as in claim 1. Furthermore, in claims 7 and 11, the wireless device indicates that the user may not provide audio while the wireless device is receiving audio, or the connection is in use by another user of a talk group. As with claim 1, the combination of Lampe, Childress, and Spayth does not show, suggest, or teach Applicant's claimed invention as now claimed in claims 7, 11, and 20.

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Claims 2-6, 8-10, 12-19, and 21-23 were rejected over Lampe, Childress, Spayth and in further view of Huang (US 2004/0259586). However, as these claims are dependent, respectively, on claims 1, 7, 11, or 20, Applicant regards them as now likewise allowable. Applicant further maintains that neither Lampe, Childress, Huang and now Spayth sufficiently set forth a suggestion to be combined.

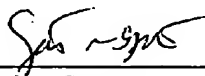
Accordingly, this application is believed to be in proper form for allowance and an early Notice of Allowance is respectfully requested. Should the Examiner have any comments or suggestions that would expedite the allowance of this application, he is respectfully requested to telephone the undersigned.

Please charge any additional fees associated with this amendment and credit any overpayments to Deposit Account No. 502117.

Respectfully submitted,

March 22, 2006
Motorola, Inc.
Customer Number: 24273

By: _____


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